

## CCRB INVESTIGATIVE RECOMMENDATION

|  |                                     |  |  |                                    |                                 |
|--|-------------------------------------|--|--|------------------------------------|---------------------------------|
| Investigator:<br>Samuel Ross                       | Team:<br>Squad #09                  | CCRB Case #:<br>202103919                  | <input type="checkbox"/> Force                         | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|  |                                     |  | <input checked="" type="checkbox"/> Abuse              | <input type="checkbox"/> O.L.      | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Wednesday, 06/16/2021 12:53 AM | Location of Incident:<br>§ 87(2)(b) | 18 Mo. SOL<br>12/16/2022                   | Precinct:<br>77  |                                    |                                 |
| Date/Time CV Reported<br>Wed, 06/30/2021 12:03 PM  | CV Reported At:<br>CCRB             | How CV Reported:<br>Call Processing System | Date/Time Received at CCRB<br>Wed, 06/30/2021 12:03 PM |                                    |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |
|                    |      |              |
|                    |      |              |

| Witness(es) | Home Address |
|-------------|--------------|
|             |              |

| Subject Officer(s)         | Shield | TaxID  | Command |
|----------------------------|--------|--------|---------|
| 1. PO Christophe Rodriguez | 04501  | 964733 | 071 PCT |
| 2. LT Timothy Brovakos     | 00000  | 943025 | 071 PCT |
| 3. POM Omar Delarosa       | 06614  | 964474 | 071 PCT |
| 4. POM Mubbashar Zahid     | 03267  | 965634 | 071 PCT |
| 5. POM Steven Caraballo    | 21893  | 952545 | 071 PCT |

| Officer(s)                | Allegation  | Investigator Recommendation |
|---------------------------|---|-----------------------------|
| A.LT Timothy Brovakos     | Abuse: Lieutenant Timothy Brovakos stopped an individual.                                       |                             |
| B.LT Timothy Brovakos     | Abuse: Lieutenant Timothy Brovakos frisked an individual.                                       |                             |
| C.PO Christophe Rodriguez | Abuse: Police Officer Christopher Rodriguez stopped an individual.                              |                             |
| D.PO Christophe Rodriguez | Abuse: Police Officer Christopher Rodriguez frisked an individual.                              |                             |
| E.LT Timothy Brovakos     | Abuse: Lieutenant Timothy Brovakos stopped § 87(2)(b)   |                             |
| F.LT Timothy Brovakos     | Abuse: Lieutenant Timothy Brovakos frisked § 87(2)(b)   |                             |
| G.LT Timothy Brovakos     | Abuse: Lieutenant Timothy Brovakos strip-searched § 87(2)(b)                                    |                             |
| H.PO Christophe Rodriguez | Abuse: Police Officer Christopher Rodriguez stopped an individual.                              |                             |
| I.PO Christophe Rodriguez | Abuse: Police Officer Christopher Rodriguez frisked an individual.                              |                             |
| J.PO Christophe Rodriguez | Abuse: Police Officer Christopher Rodriguez searched an individual.                             |                             |
| K.LT Timothy Brovakos     | Abuse: Lieutenant Timothy Brovakos failed to provide an individual with a business card.        |                             |
| L.PO Christophe Rodriguez | Abuse: Police Officer Christopher Rodriguez failed to provide individuals with a business card. |                             |

| Officer(s)            | Allegation | Investigator Recommendation |
|-----------------------|------------|-----------------------------|
| § 87(2)(g), § 87(4-b) | [REDACTED] | [REDACTED]                  |
| § 87(2)(g), § 87(4-b) | [REDACTED] | [REDACTED]                  |
| § 87(2)(g), § 87(4-b) | [REDACTED] | [REDACTED]                  |
| § 87(2)(g), § 87(4-b) | [REDACTED] | [REDACTED]                  |
| § 87(2)(g), § 87(4-b) | [REDACTED] | [REDACTED]                  |
| § 87(2)(g), § 87(4-b) | [REDACTED] | [REDACTED]                  |
| § 87(2)(g), § 87(4-b) | [REDACTED] | [REDACTED]                  |

## Case Summary

§ 87(2)(b) filed this complaint via the CCRB's Call Processing System on June 30, 2021.

On June 16, 2021, at approximately 12:53 AM, Lt. Timothy Brovakos of the 71<sup>st</sup> Precinct was on patrol with PO Christopher Rodriguez, PO Omar Delarosa, PO Mubbashar Zahid, and PO Steven Caraballo of the 71<sup>st</sup> Precinct. Outside of § 87(2)(b) in Brooklyn, Lt. Brovakos stopped and frisked an unidentified individual (**Allegations A and B: Abuse of Authority,** § 87(2)(g)). At the same time, PO Rodriguez stopped and frisked a second unidentified individual (**Allegations C and D: Abuse of Authority,** § 87(2)(g)). Lt. Brovakos and his officers then entered the building's vestibule. There, Lt. Brovakos stopped and frisked § 87(2)(b) (**Allegations E and F: Abuse of Authority,** § 87(2)(g)). Lt. Brovakos also allegedly strip-searched § 87(2)(b) (**Allegation G: Abuse of Authority,** § 87(2)(g)). Additionally, inside the vestibule, PO Rodriguez stopped, frisked, and searched an unidentified individual (**Allegations H, I, and J: Abuse of Authority,** § 87(2)(g)). § 87(2)(b) was arrested for possession of crack cocaine. No other civilian was arrested or summonsed. Neither Lt. Brovakos nor PO Rodriguez provided business cards to the unidentified individuals whom they stopped and frisked (**Allegations K and L: Abuse of Authority,** § 87(2)(g)).

§ 87(2)(g), § 87(4-b)

The investigation obtained BWC videos recorded by the five officers on scene and a cell phone video provided by § 87(2)(b). There is no other video evidence associated with this case.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Lieutenant Timothy Brovakos stopped an individual.**

**Allegation (B) Abuse of Authority: Lieutenant Timothy Brovakos frisked an individual.**

**Allegation (C) Abuse of Authority: Police Officer Christopher Rodriguez stopped an individual.**

**Allegation (D) Abuse of Authority: Police Officer Christopher Rodriguez frisked an individual.**

It is undisputed that Lt. Brovakos and PO Rodriguez each stopped and frisked separate individuals outside of § 87(2)(b) in Brooklyn.

§ 87(2)(b) stated that from his position in the building's vestibule, he looked through the glass panes of the front door and saw officers patting down two of his associates. § 87(2)(b) did not hear what was said between the officers and the individuals outside of the building. He did not believe that anyone outside of the building was drinking alcohol.

§ 87(2)(b) was unwilling to provide identifying or contact information for any of the civilians in question. As a result, the investigation was unable to obtain a statement from any other civilian, including the victims of these stop and frisk allegations.

Lt. Brovakos and PO Rodriguez both stated that they approached the individuals standing outside of § 87(2)(b) because these individuals were drinking what appeared to be alcohol in

public. Lt. Brovakos described observing brown liquid in a clear plastic cup and PO Rodriguez stated that he observed a bottle, although he could not describe it in greater detail. Both Lt. Brovakos and PO Rodriguez stated that they each approached one individual and that both individuals consented to being frisked. Neither officer made any observation which would independently justify a frisk.

Lt. Brovakos' BWC was not activated during the frisk in question. Other BWC videos captured Lt. Brovakos and PO Rodriguez frisking the unidentified victims in question but did not capture audio during this portion of the incident (addressed below in the analyses of Allegations M through Q). A BWC video recorded by PO Zahid shows Lt. Brovakos frisking an individual between the beginning of the video and the 12 second mark (Board Review 01). PO Rodriguez's BWC video shows PO Rodriguez frisking an individual between the beginning of the video and the five second mark. Audio does not begin in either video until 60 seconds. While the unidentified victims appear later in the BWC videos, none of the videos captured either individual making any remark to indicate whether they did or did not consent to being frisked. Additionally, at 4 minutes 57 seconds, Lt. Brovakos' BWC video captured him saying, "Listen, you can't sit out here drinking." However, none of the BWC videos demonstrates that any individual was drinking alcohol outside of the building.

§ 87(2)(g)

**Allegation (E) Abuse of Authority: Lieutenant Timothy Brovakos stopped** § 87(2)(b)  
**Allegation (F) Abuse of Authority: Lieutenant Timothy Brovakos frisked** § 87(2)(b)

It is undisputed that Lt. Brovakos stopped and frisked § 87(2)(b)

§ 87(2)(b) stated that he was not in possession of any weapon. He was, however, carrying a plastic bag filled with pink vials. The bag of vials was located within § 87(2)(b) underwear, behind his genitals. § 87(2)(b) did not interact with the bag of vials at all when the officers arrived on scene. § 87(2)(b) wore a fanny pack, but he did not move the vials from his fanny pack into his underwear. The vials were never in his fanny pack; they were always in his underwear.

§ 87(2)(b) refused to describe the contents of the vials, but according to NYPD property vouchers (Board Review 02) and Lt. Brovakos' testimony, the vials contained crack cocaine.

§ 87(2)(b) stated that after he saw officers frisking individuals outside of the building, Lt. Brovakos entered the vestibule. Lt. Brovakos immediately reached out and took hold of § 87(2)(b) crotch. Through § 87(2)(b) pants and underwear, Lt. Brovakos held both the plastic bag full of vials and § 87(2)(b) genitals.

Lt. Brovakos testified that § 87(2)(b) is a known narcotics location and was near the scenes of multiple shootings. Lt. Brovakos had seen narcotics trafficking at that location prior and had observed hand-to-hand transactions. However, there was no specific indication of narcotics activity at the time of Lt. Brovakos' approach.

As Lt. Brovakos frisked an unidentified individual outside of the building, he looked through the front door's glass windowpane and saw § 87(2)(b) inside of the vestibule. Lt. Brovakos saw, in

his peripheral vision, § 87(2)(b) arm make a fast motion from his upper body to the lower left side of his waistband. This fast motion was consistent with someone hiding a firearm. Lt. Brovakos had observed similar behavior during the course of dozens of firearms arrests. However, Lt. Brovakos did not see what sort of item § 87(2)(b) moved. Lt. Brovakos could not see its coloration, shape, or size. He did not see any item in § 87(2)(b) hand. He only saw the motion indicating that § 87(2)(b) moved some item to his waistband.

Lt. Brovakos was concerned that § 87(2)(b) might have moved a gun to his waistband and entered the vestibule to investigate. He thought § 87(2)(b) had moved a gun because this was a violence-prone location and because there was a suspected narcotics operation taking place in the vestibule. Lt. Brovakos also saw a fanny pack slung under § 87(2)(b) right arm. This was, in Lt. Brovakos' recent experience, a typical means for individuals to conceal firearms, using a fanny pack as shoulder holster.

Approaching § 87(2)(b) Lt. Brovakos used his left hand to take hold of the fanny pack slung under § 87(2)(b) right arm. Lt. Brovakos squeezed it and felt no weapon or any other concerning item. Lt. Brovakos then reached down and, with his right hand, patted the exterior left side of § 87(2)(b) waistband. Lt. Brovakos started just above the waistband and moved down toward the hip, where the hip meets the pelvis. There, he felt an object. He squeezed it and felt what he recognized immediately as a bag containing many vials.

PO Rodriguez stated that while outside of the building, Lt. Brovakos said that someone was "stuffing something" in the vestibule. PO Rodriguez understood this to mean that someone was concealing something. Lt. Brovakos did not provide any more information about what he saw. PO Rodriguez did not see the action Lt. Brovakos was referring to. However, PO Rodriguez prepared a memo book entry and a stop report on the basis of information which Lt. Brovakos' provided to him. According to the memo book entry, "Deft was observed taking unk[nown] object from fanny pack and hiding it in groin area. Deft was stopped and frisked" (Board Review 03). Per the stop report, "Upon approach officers did observe male sitting in lobby reach into fanny pack and place suspected weapon into his groin area to prevent officers from finding evidence" (Board Review 04).

Note that the Office of the Kings County District Attorney declined to prosecute § 87(2)(b). According to the paperwork provided in regards, the officers "observed deft inside of the foyer and that deft moved deft's hand from deft's fanny pack to directly inside of deft's pants." Further, "Lt on scene stated similar in that people were drinking outside and that the two individuals (deft and another person) were smoking inside, that Lt did not see any packaging or the color of the substance." The document continues, "Declined to prosecute based on search / seizure" (Board Review 05).

According to the ruling in *People v. De Bour*, 40 N.Y.2d 210 (1976), where a police officer entertains a reasonable suspicion that a particular person has committed, is committing, or is about to commit a felony or misdemeanor, an officer may forcibly stop and detain that person. A corollary of the statutory right to temporarily detain for questioning is the authority to frisk if the officer reasonably suspects that he is in danger of physical injury by virtue of the detainee being armed (Board Review 06).

Per the ruling in *People v. Riddick*, 70 A.D.3d 1421 (2010), officers did not obtain reasonable suspicion of criminality when they observed an individual in a high-crime area reach for his waistband, walk away from his companions, and then run from police officers. That ruling specifies that an individual reaching for his waistband, absent any indication of a weapon such as the

visible outline of a gun or the audible click of the magazine of a weapon, did not establish reasonable suspicion (Board Review 07).

Lt. Brovakos stopped and frisked § 87(2)(b) because he saw § 87(2)(b) hand move from near the fanny pack (slung under § 87(2)(b) shoulder) to near § 87(2)(b) waistband, and because this was a high-crime and narcotics-prone location. Lt. Brovakos did not see what sort of item § 87(2)(b) might have moved from near his shoulder to near his waistband. He did not see any item in § 87(2)(b) hand at all. Per *Riddick*, even in a high-crime area, an individual reaching for their waistband, without any observation indicating the presence of a weapon, does not establish reasonable suspicion. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

#### **Allegation (G) Abuse of Authority: Lieutenant Timothy Brovakos strip-searched § 87(2)(b)**

It is undisputed that Lt. Brovakos removed a bag of vials from within § 87(2)(b) pants.

As described above, according to § 87(2)(b) Lt. Brovakos approached him in the vestibule and took hold of his crotch, grabbing the bag of vials through § 87(2)(b) pants. Lt. Brovakos then pulled § 87(2)(b) pants and underwear down to just below § 87(2)(b) genitals. § 87(2)(b) genitals were exposed. Lt. Brovakos then reached back behind § 87(2)(b) genitals, between § 87(2)(b) legs, attempting to extract the bag of vials. § 87(2)(b) asked Lt. Brovakos if the officers were supposed to transport him to a stationhouse before performing a strip search, but Lt. Brovakos replied, "We'll get it right here." Finally, Lt. Brovakos pulled the bag of vials out from § 87(2)(b) underwear. Lt. Brovakos then pulled § 87(2)(b) pants back up, covering § 87(2)(b) genitals. § 87(2)(b) believed that his genitals were exposed for approximately 90 seconds.

Lt. Brovakos stated that when he frisked § 87(2)(b) he felt an object within § 87(2)(b) pants, on the left side, below the waistband, where the hip and pelvis meet. Squeezing the object, he recognized it immediately as a bag containing many vials. This was consistent with his experience of vials in which narcotics are packaged and sold. There was no question in Lt. Brovakos' mind as to what he was feeling. Lt. Brovakos resolved at this time to arrest § 87(2)(b) for possession of narcotics.

Lt. Brovakos removed the bag from § 87(2)(b) pants without reaching inside of the pants by applying pressure from the outside of the pants and pushing the bag from its position inside the pants to the top of waistband so that the bag was accessible at the top. He then reached two to three inches into the waistband to retrieve the bag once it had been pushed to the top. Lt. Brovakos did not "dig down" for the bag. He also believed that § 87(2)(b) was wearing basketball shorts underneath his pants and that the bag was outside § 87(2)(b) innermost layer of clothing. The bag was not against § 87(2)(b) skin.

Lt. Brovakos was informed during the CCRB interview that according to § 87(2)(b) the bag had been hidden deep inside of his underwear, behind his scrotum and between his legs. Lt. Brovakos denied that the bag was hidden there. He stated that he would not have been able to feel the bag during the frisk if it were hidden in the area § 87(2)(b) described. Lt. Brovakos denied reaching inside of § 87(2)(b) underwear, pulling § 87(2)(b) underwear or pants down, or exposing § 87(2)(b) genitals in any way or to any degree.



Additionally, Lt. Brovakos stated that if, during the frisk, he felt an object he knew to contain narcotics but could not remove the object without removing § 87(2)(b) pants, the officers would have handcuffed § 87(2)(b) and transported him to their stationhouse, where Lt. Brovakos and other officers would have formally conducted a strip search to recover the contraband. Such a strip search would have been recorded in the arrest report and in the command log.

Note that the arrest report and UF-61 are sealed. As of the writing of this report, the NYPD has provided the UF-61 but not the arrest report. A follow-up request for the arrest report is pending. Neither the UF-61 (Board Review 08) nor the command log (Board Review 09, page 7) indicates that § 87(2)(b) was strip-searched.

None of the five BWC videos pertaining to this incident demonstrate clearly whether or not Lt. Brovakos ever pulled down § 87(2)(b) pants and underwear as alleged (Board Review 01). The videos do not capture Lt. Brovakos doing so, but also do not comprehensively capture his interactions with § 87(2)(b) and do not preclude the possibility that Lt. Brovakos lowered § 87(2)(b) pants or pants and underwear.

§ 87(2)(b) also provided to the investigation a cell phone video recorded by an unidentified bystander at the entrance to the vestibule (Board Review 10). That video shows Lt. Brovakos leaning over and reaching toward § 87(2)(b) groin area. However, that video also does not demonstrate clearly whether or not Lt. Brovakos ever pulled down § 87(2)(b) pants and underwear as alleged.

§ 87(2)(g) § 87(2)(b)  
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§ 87(2)(b)

**Allegation (H) Abuse of Authority: Police Officer Christopher Rodriguez stopped an individual.**

**Allegation (I) Abuse of Authority: Police Officer Christopher Rodriguez frisked an individual.**

**Allegation (J) Abuse of Authority: Police Officer Christopher Rodriguez searched an individual.**

It is undisputed that PO Rodriguez stopped, frisked, and searched an unidentified individual within the vestibule.

§ 87(2)(b) stated that he believed officers patted down every civilian on scene, and that officers inquired about the contents of a bottle of Aleve carried by an individual identified only as § 87(2)(b) but § 87(2)(b) made no other allegation in regards.

As noted above, § 87(2)(b) did not identify any of the other civilians involved in this incident, and the investigation obtained no other civilian statements.

PO Rodriguez's BWC video (Board Review 01) shows that when PO Rodriguez followed Lt. Brovakos and PO Delarosa into the vestibule, PO Rodriguez approached a male wearing a red t-

shirt, seated on the right side of the vestibule. At the same time, Lt. Brovakos approached § 87(2)(b) on the left side of the vestibule. PO Rodriguez and PO Delarosa lifted the red-shirted individual to his feet. PO Rodriguez reached into the individual's front left and front right pants pockets. PO Rodriguez removed a small Aleve bottle from the individual's front left pants pocket and then removed an unidentified item – possibly white headphones – from the individual's front right pants pocket. PO Rodriguez then frisked the individual's groin area.

There is no audio during the above-described portion of video. When audio begins, at 60 seconds, the red-shirted individual yells in an agitated manner, "It's Aleve. What the fuck are you talking about, 'Relax?' He took it out of my pocket. You're telling me to relax. He took shit out of my pockets. You're touching me. Alright, let me go." Note that no other BWC videos captured the red-shirted individual making any earlier statement. All the BWC videos began recording audio at the same point or later.

PO Rodriguez stated that before entering the vestibule, he heard Lt. Brovakos say that someone was "stuffing something" in the vestibule. PO Rodriguez understood this to mean that someone was concealing something. Lt. Brovakos did not provide any more information about what he saw. PO Rodriguez did not see the action Lt. Brovakos was referring to. PO Rodriguez looked into the lobby and saw two males inside. He did not know which male Lt. Brovakos was referring to.

PO Rodriguez and Lt. Brovakos then entered the vestibule. Lt. Brovakos approached one individual § 87(2)(b) and PO Rodriguez approached the other. PO Rodriguez asked the individual whom he approached if he could frisk him. Lt. Brovakos had not instructed PO Rodriguez to frisk this individual. PO Rodriguez asked to frisk this individual because, based on Lt. Brovakos' earlier statement, he suspected that someone in the lobby might have concealed a firearm, and he did not know which individual might have done so. There was no other reason PO Rodriguez asked to frisk the individual in question. PO Rodriguez did not observe a bulge on this individual's person or observe any other indication that this individual might be hiding a weapon. The individual said that PO Rodriguez could frisk him.

PO Rodriguez began by patting down the individual's waistband and pockets. As he did so, PO Rodriguez asked if the individual "had anything on him." The individual replied that he had "pills" but offered no further clarification. PO Rodriguez did not ask what sort of pills he meant. PO Rodriguez felt a hard object in a pants pocket. He did not know what sort of object he was feeling. It was the size and shape of a pill bottle, but PO Rodriguez could not identify it as a pill bottle in real time, while it was in the pocket. PO Rodriguez suspected the individual might be in possession of oxycodone because this was a narcotics-prone location and because the male had not specified what sort of pills he was carrying. PO Rodriguez removed a pill bottle from the male's pocket. (Again, Lt. Brovakos had not instructed him to take such action.) PO Rodriguez did not remember what markings were on the bottle. He opened the bottle because he suspected it might contain narcotics. He saw that it was full of pills but did not have a testing kit with him and so he could not determine whether or not the bottle contained narcotics. There was no reason other than those described above that PO Rodriguez removed the bottle from the pocket and then opened the bottle.

During the CCRB interview, PO Rodriguez was shown his own BWC video from this incident. The videos shows that in addition to removing a pill bottle from the left pants pocket, at the 37 second mark, PO Rodriguez removed the contents of the right pants pocket – headphones. PO Rodriguez stated that he reached into the right pants pocket because the individual had said that he was carrying pills and because PO Rodriguez felt a hard object there. He did not remember the size or shape of the object. He did not remember if it felt like a weapon. There was no other reason he reached into that pocket.



PO Rodriguez also reviewed the above-described portion of video showing the individual in question complaining about PO Rodriguez having reached into his pockets. PO Rodriguez was reminded that he testified that this male had consented to being frisked. PO Rodriguez did not know at what point this individual's demeanor changed and could not say what appeared to prompt a change in the individual's demeanor.

Lt. Brovakos, for his part, believed that PO Rodriguez patted down the second individual in the vestibule, but he did not remember specifically. Lt. Brovakos did not know if PO Rodriguez reached into that individual's pockets. He did not give PO Rodriguez instruction about frisking or searching that individual. Per Lt. Brovakos, any action PO Rodriguez took with regard to that individual was at his own discretion, and not at Lt. Brovakos' instruction.

According to the ruling in *People v. De Bour*, 40 N.Y.2d 210 (1976), where a police officer entertains a reasonable suspicion that a particular person has committed, is committing, or is about to commit a felony or misdemeanor, an officer may forcibly stop and detain that person. A corollary of the statutory right to temporarily detain for questioning is the authority to frisk if the officer reasonably suspects that he is in danger of physical injury by virtue of the detainee being armed (Board Review 06).

Additionally, per the ruling in *People v. Williams*, 217 A.D.2d 1007 (1995), an officer frisking a pocket and feeling an object which he or she does not believe to be a weapon – and therefore which cannot reasonably be considered to pose any danger to officer safety – is not justified in searching the pocket (Board Review 11).

PO Rodriguez testified that the red-shirted individual consented to being frisked. As noted, BWC videos did not capture PO Rodriguez's conversation with this individual before PO Rodriguez frisked and searched him. However, the BWC videos show as soon as audio began recording that this individual complained loudly about having been searched. Additionally, PO Rodriguez's BWC video reveal that he and PO Delarosa took hold of the red-shirted individual's arms as soon as they approached him and then lifted him to his feet. PO Rodriguez began to frisk him approximately eight seconds after entering the vestibule. The officers do not appear to ask for consent to frisk and would not have had time to inform him of his right to refuse. Additionally, his demeanor when audio begins is inconsistent with his having consented to a frisk. In light of these combined factors, the investigation does not credit PO Rodriguez's testimony that the red-shirted individual consented to being frisked.

PO Rodriguez wished to frisk the red-shirted individual due to Lt. Brovakos' statement that someone in the vestibule was "stuffing something." There was no other reason for PO Rodriguez to frisk the red-shirted individual. However, upon entering the vestibule, Lt. Brovakos approached § 87(2)(b) and not the red-shirted individual. There was no specific indication – from PO Rodriguez's own observations or based on information relayed by Lt. Brovakos – that the red-shirted individual was engaged in any criminal act, or that he was armed. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

While frisking the red-shirted individual, PO Rodriguez felt a pill-bottle shaped object in one pocket and what appeared to be headphones in another. He testified that he was able to determine the size and shape of the pill bottle inside of the pocket but could not positively identify the object. He removed and inspected the contents of both pockets. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (K) Abuse of Authority: Lieutenant Timothy Brovakos failed to provide an individual with a business card.**

**Allegation (L) Abuse of Authority: Police Officer Christopher Rodriguez failed to provide individuals with a business card.**

BWC videos form a continuous record of the officers' encounter with the individuals whom they stopped and frisk (and, in one case, searched), the officers' departure from the location of the incident, and the officers transporting § 87(2)(b) to the 71<sup>st</sup> Precinct stationhouse (Board Review 01). BWC videos reveal definitively that neither Lt. Brovakos nor PO Rodriguez provided a business card to any of the individuals whom they stopped.

NYPD Patrol Guide Procedure 203-09 instructs that after conducting a stop, frisk, and/or search of a person, officers must offer pre-printed "Right to Know Business Cards," except in cases when a summons is issued or an arrest is made, or where exigent circumstances are present (Board Review 12).

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

IN X 11 1001

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 15).
- Lt. Brovakos has been a member of service for 14 years and has been a subject in 32 other CCRB cases with 116 allegations, of which two have been substantiated. § 87(2)(g)
- Case # 201500206 involved a substantiated vehicle search allegation. The Board's recommendation is not visible in CTS and the NYPD imposed Formalized Training.
- Case #201905132 involved a substantiated allegation of discourteous language. The Board's recommendation is not visible in CTS and the NYPD imposed Instructions.
- PO Rodriguez has been a member of service for four years and has been a subject in five other CCRB cases with nine other allegations, none of which were substantiated. § 87(2)(g)

#### **Mediation, Civil, and Criminal Histories**

- This complaint could not be considered for mediation due to a COVID-related backlog of mediation cases.
- As of October 6, 2021, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regards this to complaint (Board Review 16).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Squad: 9

|               |                    |                         |                   |
|---------------|--------------------|-------------------------|-------------------|
| Investigator: | <u>Samuel Ross</u> | <u>Inv. Samuel Ross</u> | <u>11/05/2021</u> |
|               | Signature          | Print Title & Name      | Date              |

|               |                     |                        |                   |
|---------------|---------------------|------------------------|-------------------|
| Squad Leader: | <u>Monique West</u> | <u>IM Monique West</u> | <u>04/07/2022</u> |
|               | Signature           | Print Title & Name     | Date              |

|           |           |                    |         |
|-----------|-----------|--------------------|---------|
| Reviewer: | <u></u>   | <u></u>            | <u></u> |
|           | Signature | Print Title & Name | Date    |